



Chicago Metropolitan Agency for Planning

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CMAQ Project Selection Committee Meeting

Annotated Agenda

May 6, 2010

2:00 p.m.

Cook County Conference Room

CMAQ Offices

Note: the meeting materials can be found at <http://www.cmap.illinois.gov/cmaq/minutes.aspx>

1.0 Call to Order and Introductions 2:00 p.m.
Ross Patronsky, Committee Chair

2.0 Agenda Changes and Announcements

3.0 Approval of March 25, 2010 Minutes
The draft minutes for the March 25, 2010 meeting are attached.

ACTION REQUESTED: Approval of the minutes.

4.0 Project Changes

- 4.1 Kane County DOT IL 64 from Randall Rd to Burlington Rd (TIP ID 09-09-0013)
The sponsor is requesting the limits be on IL 64 from Randall Rd to Burlington Rd and Burlington Road from IL 64 to Kane County DOT offices. Staff recommends approval.
- 4.2 McHenry County DOT – Miller Rd/Bull Valley Rd. at N. Front St and Green St (TIP ID 11-06-0043)
The sponsor is requesting that \$295,800 be used for PHII engineering and the remainder be placed in Construction. Staff undertook this as an administrative modification.
- 4.3 Metra - Installation of GenSets on Two Metra Switch Engines (TIP ID 13-10-0007)
The project sponsor is requesting the project be moved from FFY11 into the current year of the TIP. Staff recommends approval.
- 4.4 Villa Park South Villa Ave Sidewalk from Wildwood Ave to Park Blv (TIP ID 08-06-0004 combined into 08-00-0049)
The project sponsor is requesting their project be combined with an STP Project TIP ID 08-00-0049). Staff undertook this as an administrative modification.
- 4.5 Chicago DOT – Grayland Station Parking – Milwaukee North Line (TIP ID 18-04-0561)
The sponsor is requesting the sponsorship be transferred to Metra. Metra has agreed with the request. Staff recommends approval.

5.0 Program Management

5.1 State Appropriation

An update on State Appropriation will be given to the committee.

ACTION REQUESTED: Discussion

5.2 Agreement Processing

Some project sponsors are concerned regarding IDOT's timeframe for processing agreements. It has been explicitly stated that agreements will take 7-8 months for processing. This will affect actively managing the CMAQ program.

ACTION REQUESTED: Discussion

5.3 May Status Update

According to the programming policies adopted by the MPO Policy Committee in March 2009, new project sponsors must submit their Job Number Request Form (JNRF) to IDOT or grant application to FTA before the May status update. An e-mail will be distributed notifying all project sponsors with phases in 2010 that a May status update needs to be completed.

ACTION REQUESTED: Information

5.4 Rescission

The reversal of the \$8.7 billion rescission imposed at the end of SAFETEA-LU has been formalized in a notice from the Federal Highway Administration. However, there is no additional obligation authority, so the restored funds will be competing with other funds for the limited pool of obligating authority. In fact there is now less obligating authority in relative terms because most of the equity bonus funds that were rescinded (and are now restored) had special obligating authority, which was not restored. The restored funds have been restored as 2010 funds, so they won't lapse until the end of FFY 2013. This is in contrast to the funds that were rescinded, much of which came from FFY 2007 and would lapse at the end of September.

ACTION REQUESTED: Information

6.0 CMAQ and High Speed Rail

USDOT has confirmed CMAQ funds can be used for High Speed Rail within Non-attainment areas.

ACTION REQUESTED: Information

7.0 Soft Match

Several questions have been received on the use of soft match. A policy from IDOT has been attached for discussion.

ACTION REQUESTED: Discussion

8.0 Programming Approaches

At the last CMAQ PSC meeting staff suggested considering different approaches to programming CMAQ funds. A memo describing some possible approaches is attached.

ACTION REQUESTED: Discussion

9.0 Public Comment

This is an opportunity for comments from members of the audience. The amount of time available to speak will be at the chair's discretion. It should be noted that the exact time for the public comment period will immediately follow the last item on the agenda.

10.0 Other Business

11.0 Next Meeting

The next meeting is scheduled for May 6, 2010 at 2 p.m. at the CMAP offices.

12.0 Adjournment

CMAQ Project Selection Committee Members:

____ Ross Patronsky, Chair	____ Mark Pitstick	____ Jeff Schielke
____ Martin Buehler	____ Mike Rogers	
____ Luann Hamilton	____ Susan Stitt	

Attending CMAQ Project Selection Committee Meetings at CMAP offices:

CMAQ Project Selection Committee meetings are public meetings; the public is invited to attend. Passes are available for people attending these meetings at the CMAP offices. If you wish to attend but have not attended meeting regularly, please call or e-mail Holly Ostidick (312-386-8836, hostidick@cmap.illinois.gov) in advance to be added to the list. For requests or problems on the day of the meeting, please call the CMAP main reception desk at 312-454-0400. A driver's license, state ID, or passport will be required to enter.



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CMAQ Project Chicago Metropolitan Agency for Planning Congestion Mitigation and Air Quality Improvement Program Project Selection Committee March 25, 2010 Minutes

Members Present: Chair - Ross Patronsky – CMAP, Paula Trigg – Counties, Larry Keller – Council of Mayors, Luann Hamilton – City of Chicago, Mark Pitstick - RTA, Mike Rogers - IEPA (via phone), Susan Stitt – IDOT (via phone)

Members Absent: None

Others Present: Brian Carlson, Michael Connelly, Kama Dobbs, Stephanie Dock, John Donovan, Bill Lenski, Keith Privett, Chad Riddle, David Tomzik, Brian Urbaszewski, Jan Ward, Thomas Weaver.

Staff Present: Don Kopec, Holly Ostdick, Joy Schaad, Russell Pietrowiak

1.0 Call to Order and Introductions

Chairman Ross Patronsky, opened the meeting at 2:05

2.0 Agenda Changes and Announcements

Chairman Patronsky explained that there was a new project change to add to item 4.0 and that the members have a handout of the particulars. Mike Connelly announced Paul Fish's retirement from the CTA.

3.0 Approval of February 11, 2010 Minutes

Chairman Patronsky stated two changes: Tom Weaver was in attendance at that meeting and Joy Schaad was not. On a motion by L. Hamilton and a second by L. Keller, the committee voted to approve the February 11, 2010 minutes as revised.

4.0 Project Changes

4.1 Oak Park Washington Blvd from Lombard Ave to Home Ave (TIP ID 04-08-0004)

Oak Park is requesting a scope change to upgrade the signal interconnect software system that will be used for the traffic signal interconnect network. After noting that there was no cost change associated with this request, P. Trigg offered a motion to approve which was seconded by L. Hamilton and unanimously passed.

4.2 Kane County Forest Preserve/Fox Valley Park District – Fox River Trail Gap Project - Section B Limits: Virgil Gilman Trail to New York Street (TIP ID 09-94-0068)

The sponsor requested a cost increase of \$726,250 total (\$393,768 federal) to \$2,090,000 total (\$993,768 federal) for construction and construction engineering for a fall 2010 letting. On a motion by L. Keller and a second by L. Hamilton the request was approved.

4.3 IDOT – I-55 from Naperville Rd to Lorenzo Rd Expansion of Congestion Monitoring, Incidence Detection and Traveler Information (TIP ID 13-10-0010)

The sponsor requested a change of federal fiscal year (FFY) associated with this project. This project was selected in the FFY 2010/2011 approved program and was therefore included on the CMAQ A list. It was planned for staged construction, with funding for the first stage in FFY 2012 - \$3,450,000 total (\$2,760,000 federal) and the funding for the remaining aspects in the MYB list \$2,800,000 total (\$2,240,000 federal). The Department pointed out benefits of implementing the whole project at once and said all is ready for the June letting. On a motion by M. Pitstick and a second by P. Trigg, the committee voted to move the project's funding from CMAQ A list and MYB list into FFY 2010, for total FFY 2010 project funding of \$6,250,000 total (\$5,000,000 federal).

4.4 Berwyn/Riverside Bicycle Parking and Marketing (TIP ID 05-10-0001)

The sponsor requested a scope change from bicycle parking for the City of Berwyn, bicycle signs for the Village of Riverside and bicycle maps for both Berwyn and Riverside to reduce the purchase of bicycle signs and instead purchase 10 bike racks and 1.75 miles of bike signs. No additional funding was requested. On a motion by L. Hamilton and a second by P. Trigg, the request was approved.

4.5 DuPage County DOT – 75th St from Ranch View Dr to Woodward Ave (TIP ID 08-09-0004) DuPage County DOT- County Farm Rd/Army Trail Rd from Schick Rd/Green Rd to Birchbark Tr/84 Ct (TIP ID 08-09-0005)

The sponsor requested the projects be combined and staff undertook this as an administrative modification.

4.6 Robbins – Bio Refueling Station at the Robbins Energy Center (TIP ID 07-06-0003).

The sponsor is withdrawing the project. Staff undertook this as an administrative modification.

4.7 Lake County DOT - Diesel Retrofit Project (TIP ID 10-10-0004)

The sponsor is withdrawing the project. Staff undertook this as an administrative modification. Ross Patrosky noted that Lake County is still pursuing the project but they found funding through the Illinois EPA that covers a higher share of the cost.

4.8 Chicago Bloomingdale Trail Project (TIP ID01-08-0002)

The March 19th letter came in after the agenda was posted. The Chicago DOT requests to move \$2,160,000 of Phase II engineering funding to Phase I engineering, leaving \$480,000 left for Phase II engineering. There were no objections. Staff will process this as an administrative modification.

5.0 Program Management

5.1 Rescissions Implementation

Holly Ostdick explained that on March 17, 2010 Congress passed the Hiring Incentives to Restore Employment (HIRE) Act, H.R. 2847. This act repeals the \$8.7 billion nationwide rescission implemented at the end of SAFETEA-LU, September 2009. In January, in order to deal with the SAFETEA-LU rescission, the "CMAQ A" List had been developed where every CMAQ project with a 100% unobligated balance was moved out of the TIP and onto the "CMAQ A" List. The plan was that each project would either be obligated in FFY 2010 or moved to a subsequent year (if it qualifies for a move - i.e. has not already used its one-time move) except for \$83 million dollars worth of projects. Now the \$83 million funding cut is not necessary, but staff is finding some side benefits of the "CMAQ A" list process, as predicted. The "CMAQ A" list mechanism reinforces Active Program Management as sponsors are more cognizant of the need to obligate their projects quickly, it allows fiscal flexibility for cost increases and to manage limited State appropriations, and it provides a mechanism to easily deal with future rescissions or lapses. The Committee discussed the benefits and the consensus was to maintain the "CMAQ A" list as a method to encourage timely obligations.

5.2 Certification Review

John Donovan of FHWA explained that the US DOT has released their certification review of Northeastern Illinois' planning process. John said that CMAP did very well and that there were many positive changes instituted along with the merger of CATS and NIPC. US DOT certified the CMAP region's process, while making recommendations for strengthening the CMAQ programming and program management process. Regarding programming processes, they endorse our active program management strategies and agreed with the emphasis to bring down the large unobligated balance of CMAQ funds, as unspent funds are not generating air quality benefits and are subject to lapses and rescissions. He said that one additional policy instituted elsewhere is the disallowing of cost changes to CMAQ projects, as this encourages better cost estimates and faster implementation. John reminded the committee that programs such as CMAQ, locally programmed STP and ARRA, catch the attention of members of Congress and need to be in good shape as they deliberate on appropriate future funding levels. Some committee members expressed concerns about not allowing cost increases here.

6.0 Programming Approaches

At the last CMAQ PSC meeting staff suggested considering different approaches to programming CMAQ funds. Ross introduced Stephanie Dock who is a graduate student at UC-Berkeley and worked as an intern at CMAP last summer. Stephanie gave highlights of her master's research on CMAQ programming practices focusing on four large MPOs (Denver, San Francisco, Pittsburgh, and Houston). Ross recapped the three initial options that were laid out in his March 25th memo to the committee. He pointed out that no decisions were expected today;

that staff and the committee can investigate and discuss through this fall when an approach will be needed for the FFY 2012 Call for Projects.

- 1.) **Leave programming status quo for the FFY12 call for projects.** - Advantages: allows all municipalities and agencies in the region a chance to participate; and needs can be addressed as they are noted. Disadvantages: time-consuming to process the historically large volume of applications and to monitor the large number of projects; slow implementation of many projects has led to the unobligated balance reaching unacceptable levels and AQ benefits not being realized.
- 2.) **Work with regional partners/implementers/CMAP committees on developing focus areas for project selection.** - Advantages: funds can be used directly to implement GO TO 2040 strategies and policies; Disadvantages: time-consuming – likely to still be a large volume of applications and projects to monitor. Examples of annual focuses might be: Signal interconnects for a year, then bicycle facility implementation, the diesel emission reduction.
- 3.) **Fund large regional projects identified as priorities (e.g. CREATE) and developed through the committee process of CMAP.** - Advantages: funds can be used directly to implement GO TO 2040 strategies and policies; reduced demand on staff time to develop and monitor program. Disadvantages: benefits will not be dispersed as widely through the region; less opportunity for smaller projects to get funding. Would have to look way ahead in order to get the preliminary work done so that implementation can take place in the given program year.

Discussion points were:

- Tom Weaver pointed out that while rail signal interconnections have been a high priority for Metra, they have found that it is not practical to do a lot of them in a single year. It requires too many signal maintainers; efficiency is lost when the staff work is not staggered over a few years.
- Dave Tomzik said it would also be very hard to “clump” traffic signal control centers into a single year. He said that a sustained focus is better than targeting specific years.
- Luanne Hamilton said she liked the flexibility that we have achieved with the current system and Active Program Management. We don’t want to institute something that may hold projects up.
- Paula Trigg said our current system makes for better efficiency and allows for diversity; different project needs at different times.
- Dave Tomzik suggested we look to develop a hybrid and Ross suggested that one hybrid would be to set standards or focus; for instance, we could allow only bicycle projects that fulfill the intent of the regional plan, not just any bike project.
- Keith Privett said that local governments need to understand the problems/costs of doing projects through a federal process and then limit what projects they apply for. CDOT doesn't use federal funds for projects under \$100,000 because it is not worth the effort.
- Mark Pitstick suggested only taking projects that are really “ready to go” – i.e. not funding engineering.
- Paula Trigg responded that not funding engineering would be hard on the many municipalities and that we don’t want to lose good municipal ideas/projects. Also communities are at risk of doing engineering for projects that may not get funded for a long time and because standards and regulations change that engineering could be wasted.
- Ross suggested an option of giving extra points to project with its engineering already done.
- After Stephanie clarified that Denver allows the use of CMAQ funds for planning studies, Ross pointed out that Denver’s MPO appears to give “air quality credit” to planning projects, whereas

our practice has been to look for direct pollution reduction from our projects. One wonders how they assure a high level of commitment to build what is studied.

- Luanne Hamilton pointed out that CDOT has received CMAQ funding for studies (feasibility, alternative analysis, planning and pre-engineering) on the Red Line and Carroll Ave. busway, as well as for ROW on the Orange Line. These studies were to determine if the desired physical improvements would “work” – i.e. pre-engineering. CMAP has also used CMAQ funds for the Regional Park and Ride study.
- Mike Connelly suggested that all project selections should be informed by new regional indicators being developed for *GO TO 2040*; we should provide guidance to sponsors on what we are trying to achieve and look for direct benefits in our selection decisions.
- Mark Pitstick said he is in favor of a point system.
- Mayor Keller said that moving away from our status quo to a point system means leaving our comfort zone; we have to have a system that gets good quality projects, gets good “bang for the buck” and encourages timeliness to spend down the unobligated balance.
- Susan Stitt said she thought a point system could work
- Mike Rogers said that in a new point system, air quality needs to be the main focus and that 50% of points to air quality would be the minimum in his eyes.
- Mike Connelly agreed air quality has to be first – but other factors coming out of the long range plan have a place.
- Luann Hamilton – Currently we consider air quality, readiness and geographic balance; applying qualitative factors is better than points.

Ross Patronsky asked the group to consider: What can we do to advance the intent of the new 2040 Plan?

- Someone responded we could take some funding “off the top” and focus that money for some project types that directly support *GO TO 2040* objectives - a special project solicitation.
- Mike Rogers pointed out that we currently, in a sense, make sure that funding goes to several priority project types by comparing rankings only “within type” – we do not end up funding all of one type. That is an informal way of assuring that we fund desired categories of projects and that is better than setting specific goals. We should not pre-set the size of each category.
- Mike Connelly responded that the diesel retrofits category is really growing at the cost of other project types without an actual discussion of “what is the correct level to fund”. Some discussion should take place in advance on what we want to fund, to encourage – i.e. what percentage to each category.
- Ross pointed out that in the past there was a specific decision to avoid pre-allocating.
- Tom Weaver pointed out that the three objectives Mayor Keller outlined earlier can oppose each other (quality projects, bang for buck, timeliness).
- One member commented that we have had a huge unobligated balance and a huge need for air quality improvement. We need to just get it done and not risk doing something that works against those needs.
- Paula Trigg suggested that we have just started to implement active program management and the A list. We should see if those efforts work out before we change things. Our current system allows municipalities and counties to go after the funding when they can get the job done.
- Ross said that in order to reduce CMAP staff efforts it would be good to narrow the field, to bring in fewer project applications; to somehow recruit the top 3 bike projects from an agency, not all 10 bike projects, for instance.

- Keith Privett said CMAP's Bike/Ped Task Force is already discussing other ideas for ranking projects and that he favored some sort of advance discussion and guidance providing additional criteria to reduce the number of applications.
- Mayor Keller said that he favored a point system over pre-determined categories and if we use a point system we could give bonus points for those projects that will be achieved within a year.
- A committee member commented that if a project focus was set for a given year – maybe it should just be 80% of the funding to that project type and 20% to other types.

Ross reiterated that the committee will continue to examine the issue and have future discussions at upcoming meetings.

Brian Urbaszewski of the Respiratory Health Association of Metro Chicago spoke during public comment agenda item against using a single focus for a given year and asked that the committee keep in mind the cost effective air quality and health benefits of diesel retrofit projects.

Mike Rogers commented after adjournment and later by email:

- Regarding the discussion of the programming of future priorities which may arise from the *GO TO 2040 Plan* or other initiatives, that occurred at the March 25th CMAQ Project Selection Committee meeting, I have serious concerns about using either specified percentages or relying on a quantitative system to select projects.
- I believe that CMAP, and CATS before it, has done a great job of proposing a CMAQ program that highlights certain priorities (e.g., projects ready for construction, bike path projects linking other paths to complete a network, diesel emission reduction projects, and even vehicle inspection and maintenance) while still balancing the need to fund worthwhile projects from the different category types and different areas of the region.
- I am concerned that attempting to use a quantification system, which ultimately involves qualitative assessments of criteria, might result in a disruption in the project and geographic balance that CMAP has heretofore sought to achieve.
- While I have reservations about theme-programming (i.e., the year of the bike path), I think that priorities, such as projects related to the CREATE program, can be emphasized from year-to-year within the current structure, while still programming worthwhile projects from the various categories.
- With that said, I still maintain that the projects proposed for programming should ultimately be those that achieve a significant air quality benefit. For this reason, I am concerned that theme-programming may lead to an emphasis on projects that do little to reduce emissions and improve air quality.
- As I stated, I think that the MPO has done a very good job of incorporating priorities into the past CMAQ programming cycles. I think that "prescribing" a set percentage for each category, or county, or service sector, could remove the flexibility that has helped make the Northeastern Illinois CMAQ Program a model planning and programming effort.

7.0 State Appropriation

Holly Ostdick explained that as of March 9, 2010 the CMAQ Program has used \$59,954,000 of SFY 2010 State appropriation. This is approximately \$38 million over what was originally appropriated (\$21.9 million) in the SFY 2010 budget. IDOT has identified an additional \$50 million for the region to use, leaving a balance of approximately \$12 million in State appropriation available for use before the end of the State fiscal year (2 lettings). If there is

insufficient State appropriation for any project, it will not be placed on a letting even though it is ready.

Holly explained that transit and IDOT sponsored projects do not use CMAQ's State appropriation and City of Chicago and other locally let projects only require State appropriation for the federal portion, unless they are receiving State match. Holly said that we currently expect to use \$12.6 appropriation for projects on the April letting. IDOT has indicated that they have worked to secure \$21 million in State appropriation for CMAQ in the SFY 2011 budget.

Ross Patronsky pointed out at the reversal of the \$83 million dollar SAFETEA-LU rescission is refers to "contract authority" rather than "obligation authority" and said the implications of this distinction are being investigated. Also CMAP staff is working with IDOT and FHWA staff in Springfield to assess our region's potential to lose funding due to lapses as well.

8.0 Public Comment

Brian Urbaszewski, of the Respiratory Health Association commented on the future programming approaches discussion by stating his belief that a single focus for each year would be counterproductive to developing a program with the best possible air quality benefits. He further commented that Diesel retrofit projects are the most cost-effective type of project for air quality benefits as well as being fast to implement and providing definite health benefits.

That prompted a discussion of the FY 2010 diesel retrofits projects being hung up over issues with IDOT funding agreements. Currently the railroads and IDOT legal staff are in direct negotiation. John Donovan commented that there are legitimate issues; it is not just a matter of "legalese". He pointed out that like I-Go car sharing and water taxi projects, it is difficult to assure accountability from the railroads on diesel retrofit projects. Ross Patronsky stated staff would follow up with IDOT and the Railroads to assist in any way possible.

9.0 Other Business

There was none.

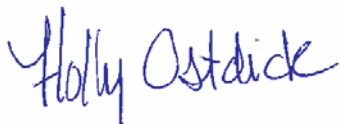
10.0 Next Meeting

The next meeting is scheduled for May 6, 2010 at 2 p.m. at the CMAP offices.

11.0 Adjournment

On a motion by Paula Trigg and second by Mark Pitstick the committee voted to adjourn the meeting at 3:30.

Respectfully Submitted,



Holly Ostadick
CMAQ Program Manager
/JMS



Chicago Metropolitan Agency for Planning

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MEMORANDUM

To: CMAQ Project Selection Committee
Date: May 6th, 2010
From: Russell J. Pietrowiak, Associate Planner
Re: CMAQ Project Change Requests

5 projects have been submitted for changes. The net change in the federal CMAQ amount programmed is \$2,800,000. The sponsors' requests are attached.

For Committee Consideration:

4.1 Kane County DOT – IL 64 from Randall Rd. to Burlington Rd. (TIP ID 09-09-0013)

The sponsor is requesting to change the project limits to match their original intent. The application identified the limits as approved in the summary and description sections, although the project map indicated an additional segment on Burlington to the Kane County DOT offices. The sponsor is now requesting to include that portion of Burlington Rd from IL 64 to the Kane County DOT offices in the project limits. The sponsor is not asking for an increase in cost. The programmed amount for this project is \$1,736,250 total (\$1,389,000 federal).

Recommendation to the CMAQ Project Selection Committee:

- **Consider approving the request to change the project limits for Kane County DOT – IL 64 from Randall Rd. to Burlington Rd. (TIP ID 09-09-0013) to include Burlington Rd from IL 64 to the Kane County DOT offices.**

4.2 McHenry DOT – Miller Rd/Bull Valley Rd at N. Front St and Green St (TIPD ID 11-06-0043)

The sponsor is requesting to transfer funds from Phase II Engineering and Right of way to Construction. The intersection improvement project has \$527,700 total (\$422,160 federal) programmed for Phase II Engineering and Right of way; and \$1,787,600 total (\$1,430,080 federal) programmed for construction. The sponsor would like to transfer \$157,950 total (\$126,360 federal) from Phase II engineering and Right of Way to construction. The sponsor is not asking for a cost increase. Total CMAQ funding for this project is programmed at \$2,427,000 total (\$1,941,600 federal).

Recommendation to the CMAQ Project Selection Committee:

- Consider approving the request to transfer funds from Phase II Engineering to construction for McHenry DOT – Miller Rd/Bull Valley Rd at N. Front St and Green St (TIP ID 11-06-0043) in the amount of \$157,950 total (\$126,360 federal) for total project funding of \$2,427,000 total (\$1,941,600 federal).

4.3 Metra – Installation of GenSets on Two Metra Switch Engines (TIP ID 13-10-0007)

The sponsor is requesting to change the federal fiscal year (FFY) associated with this project. This project was programmed for FFY11 and was therefore included on the CMAQ A list. It was approved for funding in FFY 2011 in the amount of \$3,500,000 total (\$2,800,000 federal). Metra is requesting that the project be included in the current year of the TIP. The project total cost is \$3,500,000 total (\$2,800,000 federal). The project is scheduled to be obligated in late summer or early fall.

Recommendation to the CMAQ Project Selection Committee:

- Consider moving Metra – Installation of GenSets on Two Metra Switch Engines (TIP ID 13-10-0007) from CMAQ A into FFY 2010, for total FFY 2010 project funding of \$3,500,000 total (\$2,800,000 federal).

Administrative Changes:

4.4 Villa Park – Villa Ave from St. Charles Rd. to Madison St. (TIP ID 08-00-0049) and

Villa Park - South Villa Ave Sidewalk from Wildwood Ave to Park Blvd (TIP ID 08-06-0004)

The sponsor is requesting to combine these two projects into one. The Villa Park – Villa Ave from St. Charles Rd. to Madison St. (TIP ID 08-00-0049) project is a reconstruction project and does not have any CMAQ funds programmed for it. The Villa Park - South Villa Ave Sidewalk from Wildwood Ave to Park Blvd (TIP ID 08-06-0004) pedestrian project is programmed for \$219,000 total (\$175,000 federal). The two projects would be combined under the Villa Park – Villa Ave from St. Charles Rd. to Madison St. (TIP ID 08-00-0049) project. The CMAQ amount programmed for the newly combined project would remain unchanged at \$219,000 total (\$175,000 federal). Staff undertook this action as an administrative change.

4.5 Chicago DOT – Grayland Station Parking – Milwaukee North Line (TIP ID 18-04-0561)

The sponsor is requesting to change the sponsor of this project to the Metra. Metra has agreed to become the sponsor of this project. This project is programmed for \$1,260,000 total (\$1,008,000 federal). Staff undertook this action as an administrative change.

09-09-0013_request

From: Sullivan, R. (Mike) [mailto:SullivanMike@co.kane.il.us]
Sent: Tuesday, April 20, 2010 1:36 PM
To: Holly Ostdick
Cc: Szabo, Tom; Rickert, Tom; Coffinbargar, Steve; Ward, Jan
Subject: Kane County 08-00389-00-TL (IL 64) - CMAQ Project Limit Change Request

Good afternoon,

This request is in regards to IL 64 - Randall Rd to Burlington Rd (09-09-0013), a Kane County CMAQ project. The location description in the TIP shows the project as being on IL 64 from Randall Road to Burlington Road. In the application that was submitted for CMAQ funds, it shows the project extended to the KDOT offices located on Burlington Road. KDOT is requesting for the project limits to be changed in the TIP to include the portion on Burlington Road from IL 64 to the KDOT offices. From KDOT's perspective this is a point of clarification and it will not change the scope of the project as it was submitted and approved.

Thank you for your consideration,

Mike S.
(630)444-3142

Mike Sullivan
Regional Planning Liaison
Kane / Kendall Council of Mayors
41W011 Burlington Road
St. Charles, IL 60175
Phone: (630)444-3142
Fax: (630)584-5265
Email sullivanmike@co.kane.il.us

This message has been scanned by MessageScreen? on behalf of the Chicago Metropolitan Agency for Planning.

11-06-0043 request

From: Holly Ostdick
Sent: Monday, April 26, 2010 10:43 AM
To: 'Jason Osborn'
Cc: Walter Dittrich; Chalen Daigle
Subject: RE: McHenry County - Miller Road / Bull Valley Road - 11-06-0043 & 11-06-0032

Total CMAQ programmed is \$1,941,600
E1 expenditure is \$89,360
E2 ant. Expend is \$295,800
Total construction with CMAQ: \$1,556,440

After it goes to the committee and is approved - Chalen can make the change.

Holly A. Ostdick
312.386.8836

From: Jason Osborn [mailto:jjosborn@co.mchenry.il.us]
Sent: Monday, April 26, 2010 10:18 AM
To: Holly Ostdick
Cc: Walter Dittrich; Chalen Daigle
Subject: RE: McHenry County - Miller Road / Bull Valley Road - 11-06-0043 & 11-06-0032

You bet, any remaining CMAQ awarded funds after Phase II engineering should be added to the construction project line item.

-----Original Message-----

From: Holly Ostdick [mailto:Hosstdick@cmap.illinois.gov]
Sent: Monday, April 26, 2010 9:41 AM
To: Jason Osborn
Cc: Chalen Daigle
Subject: FW: McHenry County - Miller Road / Bull Valley Road - 11-06-0043 & 11-06-0032

Have you guys decided what you want o do with the extra \$126,360? Do you want to move it to construction? We are including moving the E2 at the next CMAQ (5/6) it would be nice if we could include what to do with the left over money.

Thanks,
Holly

-----Original Message-----

From: Hameed, Mohammed A [mailto:Mohammed.Hameed@illinois.gov]
Sent: Thursday, March 18, 2010 1:02 PM
To: Lareau, Leigh Ann; Eberlin, Mary R
Subject: FW: McHenry County - Miller Road / Bull Valley Road - 11-06-0043 & 11-06-0032

FYI.

From: Graziano, James M.
Sent: Thursday, March 18, 2010 12:15 PM
To: Hameed, Mohammed A
Subject: FW: McHenry County - Miller Road / Bull Valley Road -

11-06-0043 request

11-06-0043 & 11-06-0032

Hi Mr. Hameed;

Please see the following e-mails regarding the CMAQ funding for Mr. Chaudhry's Miller Road Phase II project.

James M. Graziano, P.E.

Consultant to the Illinois Department of Transportation

Region One, Bureau of Local Roads and Streets

847-705-4189

James.Graziano@illinois.gov

From: Holly Ostdick [mailto:Hostdick@cmap.illinois.gov]
Sent: Thursday, March 18, 2010 11:18 AM
To: Graziano, James M.
Cc: Riddle, Charles F
Subject: RE: McHenry County - Miller Road / Bull Valley Road -
11-06-0043 & 11-06-0032

They have \$422,160 for E2 and ROW - which are not in the TIP for a reason I do not know.

I can go ahead and make a TIP change putting the \$295,800 for PHII CMAQ, the remainder \$126,360 is for ROW although I see no federal funds being used for ROW - they can submit a request to have that put into construction.

Thanks,

Holly

Holly Ostdick

312.386.8836

From: Graziano, James M. [mailto:James.Graziano@Illinois.gov]
Page 2

11-06-0043 request
Sent: Thursday, March 18, 2010 10:39 AM
To: Holly Ostdick
Cc: Riddle, Charles F
Subject: McHenry County - Miller Road / Bull Valley Road - 11-06-0043 & 11-06-0032

Good Morning Holly:

We have been informed that the CMAQ funds shown in the TIP as "construction" have been redistributed (or supplemented) to include \$295,800 for Engineering II. Can you verify what the current distribution and total are for TIP 11-06-0043? I've attached a copy of the last JRF , TIP Sheet and JA we have on file for this Phase II portion. Thanks for your help.

James M. Graziano, P.E.

Consultant to the Illinois Department of Transportation

Region One, Bureau of Local Roads and Streets

847-705-4189

James.Graziano@illinois.gov

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March 25, 2010

Mr. Ross Patronskey
Committee Chair, CMAQ Project Selection Committee
Chicago Metropolitan Agency for Planning
233 South Wacker Drive, Suite 800
Chicago, IL 60606

RE: TIPID #13-10-0007
Installation of GenSets on Two Metra Switch Engines
Metra Project FG4464

Dear Mr. Patronskey:

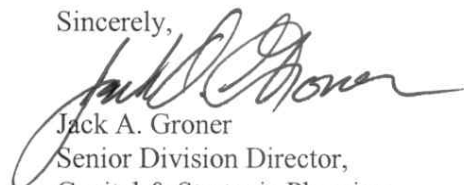
As you know, Metra's GenSet installation project was recently moved to the "MYA" list of the region's Transportation Improvement Program (TIP) along with numerous other projects of the Congestion Mitigation & Air Quality (CMAQ) program.

Metra's project recently received the necessary FY 2010 Capital Program approvals from the Boards of Directors of Metra and the Regional Transportation Authority. Metra is currently preparing a Fiscal Year 2010 grant application (IL-95-X018) with the Federal Transit Administration. Advertisement for bids will take place approximately April 20th of this year, with contract award and notice to proceed in late summer or early fall.

At this time, Metra is requesting the movement of the GenSet project from the TIP's "MYA" list to the FY 2010 annual element, in order that the project may continue to move forward.

If you have any questions or need further information, please contact Thomas Weaver of my staff at (312) 322-6649.

Sincerely,



Jack A. Groner
Senior Division Director,
Capital & Strategic Planning

TW CMAPPSC_FH4464.doc

08-06-0004 request to combine with 08-00-0049

>>> Holly Ostdick <Hstdick@cmap.illinois.gov> 3/5/2010 3:25 pm >>>
Do you want to combine these projects in the TIP?

Holly Ostdick
312.386.8836

From: Kama Dobbs [mailto:KDobbs@dmmc-cog.org]
Sent: Thursday, March 04, 2010 4:31 PM
To: Holly Ostdick
Subject: Fwd: RE: Village of Villa Park - South Villa Avenue Project -00-00070-00-PV

Holly,

Can you check your records on this? TIP ID is 08-06-0004. I'll stop by your desk tomorrow after Trans. Also, consider this a formal request to move the project (which will be let in combination with my STP project 08-00-0049) off of the CMAQ A list.

Thanks,

Kama

>>> Kama Dobbs 3/4/2010 4:24 pm >>>
Jeff,

The CMAP TIP shows \$306,000 available for Construction, but the JRF is showing \$329,620 in CMAQ. In the funding table, use STU for STP and STA for CMAQ. Also, the MFT Section Number is 00-00070-00-PV.

I'll be at CMAP tomorrow for meetings and will check with Holly Ostdick regarding the balance, but if you have paperwork indicating the \$329,620, that would be helpful.

Thanks,

Kama

>>> "Gallagher, Jeff" <gallagherjeff@stanleygroup.com> 3/4/2010 3:58 pm >>>
Kama,
Attached is the updated job request form for the Villa Avenue Project. Let me know if you have any questions or comments. In the meantime I will prepare the LAA and send to Vydas for his review tomorrow before forwarding on to you.
Thanks,
Jeff

From: Kama Dobbs [mailto:KDobbs@dmmc-cog.org]
Sent: Thursday, March 04, 2010 3:21 PM
To: Kevin Mantels
Cc: Gallagher, Jeff; Rich Salerno; Vydas Juskelis
Subject: Re: Village of Villa Park - South Villa Avenue Project -00-00070-00-PV

Kevin,

I just talked to Jeff, who had just spoken with you. He's preparing a revised JRF and the draft LAA. I'd like to get the JRF to IDOT today, but hold the LAA for Monday afternoon, when we
Page 1

08-06-0004 request to combine with 08-00-0049

may know more
about the likelihood of the project getting ARRA funds.

Right now we can't put ARRA funds on either form, because all of our funds are obligated to other projects. I'm hopeful that we'll have a final plan for reprogramming of funds well in advance of the April 23 deadline for the final LAA's for the June letting and will not cause any projects to slip to July.

Thanks,

Kama

KAMA DOBBS
Transportation Project Manager

DuPage Mayors and Managers Conference
1220 Oak Brook Road
Oak Brook, Illinois 60523-2203

Phone: 630-571-0480 x. 232
Fax: 630-571-0484
kdobbs@dmmc-cog.org

>>> "Kevin Mantels" <engineering@invillapark.com> 3/4/2010 2:48 pm >>>
Good afternoon Kama,

We are in the process of preparing the draft Local Agency Agreement for our South Villa Avenue Project (Section #00-00070-00-PV), and were hoping you could help us clear up some of the issues which we have encountered.

First, is there any way that you can tell us if the approved Job Request Form we have on file, dated February 19, 2008, is the latest approved JRF for the project? Second, can you tell us if we have previously submitted a draft Local Agency Agreement, and if so, what date it was? Third, are we correct in assuming that we will need to submit a current, revised JRF for approval regardless of the date of the latest approved JRF? And finally, fourth, how would you recommend that the Village prepare our Local Agency Agreement given the complexities of funding which face the project? Should we prepare it without any ARRA funding allocated, as is officially the case right now, or can we build in a small amount so that if funding becomes available we can still utilize it? Additionally, how should we address STP contingencies? Are there any other considerations which we should account for when preparing the LAA?

Any help you can offer us with regards to the aforementioned issues would be greatly appreciated. I know I'm hitting you with a lot of questions-- if it would be easier to discuss things by phone rather than try to explain everything in e-mail, that would be no problem. Thank you in advance for both your help and your time. I really appreciate it.

08-06-0004 request to combine with 08-00-0049

Thanks a lot,
Kevin

Kevin L. Mantels
Senior Engineering Assistant

Village of Villa Park
Public Works Department
Engineering Division
T 630.834.8505 | F 630.834.8509
engineering@invillapark.com

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April 27, 2010

Mr. Ross Patronskey
Ms. Holly Ostdick
CMAQ Program
Chicago Metropolitan Agency for Planning
233 S. Wacker, Suite 800
Chicago, Illinois 60606

Subject: Transfer of sponsorship for Grayland Park-and-Ride

Dear Mr. Patronskey and Ms. Ostdick:

The Chicago Department of Transportation requests to transfer sponsorship of Grayland Station Parking/Metra MD-North (TIP ID-18-04-0561) to Metra.

This project had originated with Metra prior to its transfer to CDOT and we understand that Metra is now prepared to proceed with the project in a timely manner.

Thank you for your consideration of this request. If you have further questions, you may contact me at 312-744-1987 or Keith Privett at 312-744-1981.

Sincerely,

Luann Hamilton
Deputy Commissioner

KP



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

1200 New Jersey Avenue, SE
Washington, D.C. 20590

March 8, 2010

In Reply Refer To:
HEPN

Mr. Stephen J. Gardner
Vice President, Policy and Development
National Railroad Passenger Corporation
60 Massachusetts Avenue, NE.
Washington, DC 20002

Dear Mr. Gardner:

Thank you for your letter concerning the use of Congestion Mitigation and Air Quality Improvement (CMAQ) Program funds for intercity passenger rail transportation.

You are right that CMAQ funds may be used for intercity passenger rail projects located in a nonattainment or maintenance area if they reduce emissions and meet the program's other eligibility criteria. Capital costs, as well as operating expenses (for 3 years), are eligible as long as the project contributes to attainment or maintenance of the air quality standard through reduction in vehicle miles traveled, fuel consumption, or through other factors.

The enclosed guidance we issued with the Federal Transit Administration discusses the eligibility of high speed rail projects (*Federal Register*, January 16, 2002, see page 2280). If you have any questions about eligibility for CMAQ funds, please feel free to contact Associate Administrator for Planning, Environment, and Realty Gloria M. Shepherd (202-366-0116).

Sincerely,

Victor M. Mendez
Administrator

Enclosure



(a) The ability to provide frequently updated information from a variety of sources including traffic management, transit management, roadway weather information services, construction and road closure information, parking management, and emergency services;

(b) How well the applicant demonstrates the capacity to provide sophisticated, innovative solutions in content creation, fusion, and dissemination;

(c) How well the applicant demonstrates the capacity to provide sophisticated, innovative solutions in designing and implementing the user interface;

(d) The design of an implementation strategy including a timeline for rollout of the enhanced 511 service;

(e) The application of ITS Standards for information exchange and delivery; and

(f) The demonstrated ability to bring together State, metropolitan, and local partners to create a seamless, regional traveler information system.

2. Management and Staffing Plan

The management and staffing plan must demonstrate a reasonable estimate that reflects the level of effort and skills needed to successfully complete the 511 model deployment, along with the identification of the organizations that will supply the staff needed, lines of reporting, and responsibilities. The management and staffing plan must include the names and qualifications of key staff.

The management and staffing plan will demonstrate a commitment to hire or assign a project manager and provide adequate full-time staff to ensure timely implementation of the 511 model deployment. Proposed staff should have demonstrated skills for effective operations and management, or the commitment to acquiring the necessary skills in relevant technical areas, such as systems engineering and integration; telecommunications; and information management.

The selection will be based on the adequacy, thoroughness, and appropriateness of the management and staffing plan, including organization of the project team, staffing allocation, and the schedule for completing the proposed work. Some of the specific items that will be evaluated in the management and staffing plan are:

(a) The availability of key personnel among the participating agencies to attend periodic 511 coordination meetings;

(b) The key personnel that are focused on the systems engineering aspects for incorporating the enhancements to the

existing, or soon-to-be-deployed, 511 service; and

(c) A staffing chart that demonstrates the relationships among the participating organizations, including the names of the key personnel from each of the organizations.

3. Financial Plan

The ITS JPO will evaluate the applications based on the total cost of the 511 model deployment, as well as the individual staffing costs. The financial plan must demonstrate that sufficient funding is available to successfully complete all aspects of the 511 model deployment as described in the technical plan. The financial plan must provide the financial information described previously under Instructions to Applicants. The financial plan must include a clear identification of the proposed funding for the 511 model deployment, including an identification of the required minimum 20% matching funds.

The financial plan must include a sound financial approach to ensure the timely deployment and the continued, long-term operations and management of the 511 system. The financial plan must include documented evidence of continuing fiscal capacity and commitment from anticipated public and private sources.

Authority: Sec. 5001(a)(5), sec. 5001(b), sec. 5207(d), Pub. L. 105-178, 112 Stat. 107, 420; 23 U.S.C. 315; 49 CFR 1.48; and 49 CFR 18.26.

Issued on: January 9, 2002.

Mary E. Peters,
Administrator, Federal Highway Administration.

Jennifer L. Dorn,
Administrator, Federal Transit Administration.

[FR Doc. 02-1163 Filed 1-15-02; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Transit Administration

[FHWA Docket No. FHWA-2000-6757]

High Speed Rail Projects for the Congestion Mitigation and Air Quality Improvement Program (CMAQ)

AGENCIES: Federal Highway Administration (FHWA), Federal Transit Administration (FTA), DOT.

ACTION: Notice; final decision on CMAQ eligibility for high speed rail projects.

SUMMARY: This notice announces a decision regarding the eligibility of

Congestion Mitigation and Air Quality Improvement (CMAQ) funds for projects outside nonattainment or maintenance area boundaries. A request for comments on this issue was published at 65 FR 16997 on March 30, 2000. Eligibility under the CMAQ program has already been granted for high speed rail improvements located within air quality nonattainment and maintenance areas. The issue raised by several States was if, and under what conditions, State departments of transportation (DOT) should be permitted to use their CMAQ allocations to fund high speed rail improvements located outside of nonattainment or maintenance areas. This notice summarizes the comments to the docket and addresses the key issues and concerns raised by respondents. In this notice, the FHWA and the FTA reaffirm the current policy which allows CMAQ funding for projects in close proximity to nonattainment and maintenance areas where it is determined that the air quality benefits will be realized primarily within such areas. Intercity rail lines, including high speed rail projects, compete equally with other types of projects under these criteria and have been funded under CMAQ in some places.

FOR FURTHER INFORMATION CONTACT: For the FHWA program office: Mr. Daniel Wheeler, Office of Natural Environment, (202) 366-2204. For the FTA program office: Mr. Abbe Marner, Office of Planning, (202) 366-4317. Office hours are from 8 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may retrieve comments online through the Document Management System (DMS) at <http://dmses.dot.gov/submit>. The DMS is available 24 hours each day, 365 days each year. Electronic retrieval help and guidelines are available under the help section of the web site.

An electronic copy of this document may also be downloaded by using a computer, modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may also reach the Office of the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's web page at: <http://www.access.gpo.gov/nara>.

Background

The CMAQ program was established by the Intermodal Surface

Transportation Efficiency Act of 1991 (Pub. L. 102-240, 105 Stat. 1914) and reauthorized with some changes by the Transportation Equity Act for the 21st Century (TEA-21) in 1998 (Pub. L. 105-178, 112 Stat. 107). The primary purpose of the CMAQ program is to fund transportation projects that reduce air pollution emissions in areas designated by the U.S. Environmental Protection Agency (EPA) as nonattainment or maintenance with respect to a National Ambient Air Quality Standard (NAAQS).¹ Program guidance was issued by the FHWA and the FTA on April 28, 1999. This guidance document was published at 65 FR 9040 on February 23, 2000.

The current CMAQ statutory language, which is codified in section 149 of title 23 of the United States Code, requires that projects and programs proposed for CMAQ funding be for a designated area.² The FHWA and the FTA have generally interpreted the statute to allow CMAQ funding for projects within nonattainment and maintenance areas, but the agencies' guidance allows funding for proposals that are in close proximity to designated areas where the air quality benefits are primarily realized in those areas. For example, a park-and-ride lot located at the edge of a metropolitan area may reduce the number of cars going into that area by the same amount whether it is located just inside the officially designated boundary or just outside of it. Another example is a commuter rail line with a segment located beyond the nonattainment area boundary.

The purpose of the current policy is to allow CMAQ eligibility for projects

which serve a designated area by being very close to the area and whose emission reductions primarily benefit such areas, so long as those projects meet all of the statutory eligibility criteria of 23 U.S.C. 149. The primary eligibility criterion is a reduction in transportation related emissions that will contribute to the attainment or maintenance of a NAAQS.

Eligibility for high speed rail projects has already been established under the above policy. Several States have explored the possibility of using CMAQ funds to support high speed rail projects outside of nonattainment or maintenance areas on the basis that they would have benefits within designated areas only if an entire corridor were funded, including portions outside of such areas.

The issue then is whether, and under what conditions, State DOTs should be permitted to use their States' CMAQ allocations to fund high speed rail improvements located outside of nonattainment or maintenance areas. To gather input from interested parties, the FHWA and the FTA published a request for comments at 65 FR 16997 on March 30, 2000.

Discussion of Comments

A total of 39 comments were received. Twenty-one commenters opposed expansion of eligibility and believed the existing policy should remain intact. There were 18 who supported it, either conditionally or fully. Those who supported changing the policy stated that emissions reductions are the most important part of CMAQ eligibility, and therefore projects that reduce emissions should proceed. Those who proposed conditional support for the expansion felt that such projects may be eligible, but should be held to a higher standard, or have funding limitations or a separate funding source.

A categorization of these comments is as follows: Seven metropolitan planning organizations (MPOs), five State DOTs, one State air agency, two cities, one private citizen and five associations opposed the expansion of existing policy. One State legislator, one MPO, three State DOTs, two railroads, one railroad development commission and five rail passenger associations supported changes. The five comments that expressed limited support, or support under certain conditions, were all from State DOTs.

The comments were generally thoughtful, and many raised excellent points. However, no comments were received that persuaded us that the current policy on eligibility was unsound. Several issues were raised,

however, that do merit further discussion and thereby provide an opportunity for further clarification and amplification of our current interpretation of the factors that serve as the basis for our position. The full set of comments can be reviewed by accessing: <http://dms.dot.gov>. The docket number is FHWA-2000-6757.

Those who did not support the expanded eligibility argued that it conflicts with legislative language and intent that they claim precludes funding for projects outside of nonattainment and maintenance areas. One group commented that "Congress * * * (in) * * * TEA-21 specifically directed CMAQ allocations to be used by States to fund projects that reduce transportation-related emissions in air quality nonattainment areas. * * * proposal(s) to fund projects outside of these areas are not in compliance with the law's intent * * *."

Other commenters took issue with the flexibility that currently exists in the guidance. Several of those opposed to expansion expressed concern that even allowing eligibility for projects in close proximity to the nonattainment or maintenance area does not go far enough in ensuring that air pollution will be reduced in the area. One stated, "The ability to demonstrate air quality benefits for high speed rail projects outside the nonattainment areas would be problematic at best."

Overall, supporters of expanded eligibility were of the opinion that this new high speed rail service would benefit air quality in both nonattainment/maintenance areas as well as attainment areas. Nine of the respondents commented that there would be positive emissions benefits in the nonattainment and maintenance areas regardless of whether the high speed rail service passed through attainment areas. Responses included statements such as "all projects that contribute to decreased pollution and congestion should be considered * * *" and "[T]he critical factor should not be where the funds are spent, but rather how much congestion and pollution will be prevented in nonattainment areas * * *."

There were also a number of respondents whose support was limited. These respondents favored the idea of CMAQ flexibility for rail projects, but through additional eligibility requirements, new regulations, or major changes to the program for which statutory authority does not exist. Many of these proposed changes are infeasible under current legislation. However, a number of these respondents provided information that may help to address

¹ States which have no designated nonattainment or maintenance areas receive a minimum apportionment of one-half of one percent of the national CMAQ funding. This money may be spent anywhere in the State for any project which would be eligible for funding under the Surface Transportation Program (STP) as well as for any CMAQ purpose. States whose apportionments based on their nonattainment and maintenance area populations are less than one-half of one percent receive additional funds to make up to the one-half percent minimum. These additional funds may also be spent anywhere in the State for any STP or CMAQ eligible purpose.

² Specifically, 23 U.S.C. 149(b) provides: "ELIGIBLE PROJECTS.—Except as provided in subsection (c), a State may obligate funds apportioned to it under section 104(b)(2) for the congestion mitigation and air quality improvement program only for a transportation project or program if the project or program is for an area in the State that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997, and * * *."

the issues of what it means for projects to be in close proximity to and primarily benefitting the nonattainment area. For example, it was suggested that "close proximity should be defined as a government defined jurisdiction that shares a common border with the nonattainment or maintenance area."

In relation to the demonstration of benefits primarily realized (or occurring) within the designated areas, it was offered that "Projects must demonstrate air quality benefits primarily within the nonattainment area or maintenance area boundary [and] a performance standard is important. To be eligible for funding, at least 75 percent of the project's emission reduction should accrue in the nonattainment or maintenance area." Apparently with respect to defining the criterion that the project primarily serve the area, it was also suggested that the * * * decision * * * on whether a project provides enough emission reduction potential to warrant receipt of a CMAQ allocation should be decided at the State and local level."

The FHWA and the FTA believe that the commenter is right that a preponderance of the emissions reduction benefit should accrue within such areas for a project to be eligible. However, no commenter provided a legislative or clear scientific basis to assign any specific share of emission reduction benefits as a threshold for determining eligibility. The threshold could just as easily be set at 85 or 95 percent to meet the statutory requirements. Further, the agencies believe that while State and local entities, including the MPOs, are in a good position to weigh the emissions and air quality benefits of an activity proposed for CMAQ funds, a final determination must rest with the FHWA and the FTA.

The FHWA and the FTA continue to believe that there are instances where the project sponsor can demonstrate benefits primarily for a nonattainment or maintenance area despite the fact that the project or program may not be physically located entirely within the boundary area, but that this demonstration becomes increasingly difficult the farther the project, program or service extends beyond the area's boundaries. We have retained "close proximity" as part of the eligibility standard because, whatever else may be argued about the difficulty of accurately quantifying benefits, they do diminish with distance.

There is no disagreement among the commenters that the primary purpose of the CMAQ program is to fund transportation improvements within

nonattainment and maintenance areas that reduce emissions. The FHWA and the FTA believe that this will continue to be the general case for CMAQ eligibility. The FHWA and the FTA have administered the program under the general policy that CMAQ funds should be used for projects located in nonattainment and maintenance areas.

The current policy, set forth in the agencies' program guidance document, also allows certain circumstances under which projects can be determined to be eligible for CMAQ funding even though they are not located entirely within designated nonattainment or maintenance areas. Those exceptional circumstances are when a project is located in close proximity to designated areas and the benefits will be realized primarily within the nonattainment or maintenance area boundaries. For example, the rail proposals found eligible thus far have both begun and ended in nonattainment or maintenance areas, have been for the most part located in designated areas, and have benefits which are primarily realized within the boundaries of the designated areas.

As mentioned above, the FHWA and the FTA support flexibility and keeping the decisionmaking as close to the affected area as possible. Standards to define "close proximity" are difficult to establish without being arbitrary. Defining a specific distance from the designated boundary could artificially establish a second boundary. This new "boundary" could lead to another round of proximity questions. To avoid this, we believe that maintaining our policy of allowing emission reducing projects to go forward without specifically defining close proximity is the more prudent course. Of course, in the absence of an exact limit, the "burden of proof" falls on the project sponsor. It is up to the project sponsor to demonstrate that its emission reductions primarily benefit the nonattainment or maintenance area, a task clearly aided by showing a close proximity to the area.

We believe that the preponderance of emission reduction benefits must accrue to such areas, in comparison with other areas served, to demonstrate that the project will primarily benefit the nonattainment or maintenance area. To that end we believe that the project sponsor must demonstrate the project's emission reduction benefits will primarily be realized within the nonattainment and maintenance area boundaries to be eligible.

High Speed Rail Projects

High speed rail service, in general, is a passenger transportation mode that links well-populated metropolitan areas that could be as much as 100 to 500 miles apart. It usually has few station stops since more would increase travel times. The metropolitan areas that such links serve may, or may not, be in nonattainment or maintenance areas.

A project to improve a high speed rail service which is located within a nonattainment or maintenance area would be eligible for CMAQ if it reduces emissions and meets the other eligibility criteria and title 23, U.S. Code, requirements. Similarly, a high speed rail service may link two or more nonattainment (or maintenance) areas. If the project creates emission reductions in the nonattainment or maintenance areas, it may be eligible for CMAQ.

Using CMAQ funds, the FHWA has funded rail projects that primarily serve nonattainment or maintenance areas and whose benefits occur primarily within those areas. CMAQ funds have already been used for a variety of freight and passenger rail services in New York, Ohio, Maine, and Illinois.

One such project is the Empire Corridor of New York State. CMAQ funds are being provided to support rail improvements necessary for high speed rail in five counties between New York City and Schenectady. Four of those counties are designated as maintenance areas for the 1-hour ozone standard. One county, in the middle of the project, is not designated.

The portion of the Empire Corridor that is being funded is approximately 160 miles long and connects the New York City nonattainment area with the Albany maintenance area. Various track improvements, double track additions, bridge work and station improvements are needed to complete a viable project, in addition to new train-sets that will run the entire length of the project. Approximately 25 miles of the track work will be in the one county that is not designated. That track begins and ends in designated areas and is in close proximity to a designated county just to the west of the county through which it runs. The project is not viable without the link through the undesignated county, and the emissions benefits to be obtained within the designated areas by providing a quick alternative to automobile travel cannot be realized without this important portion. Therefore, the entire length from New York City to Schenectady has been found to be eligible for CMAQ funding, including the link within the one county that is not designated.

Another proposal that was recently approved is to provide CMAQ support to a new rail service between Los Angeles and Las Vegas. The State of Nevada proposed to provide a relatively small portion of the total cost of this service using CMAQ funds. The eligibility determination was based on the particulate emission reductions to be obtained within the Las Vegas particulate matter nonattainment area.

Within Nevada, the project will begin in the Las Vegas nonattainment area and proceed southwesterly toward the California State line, about 30 miles away. Approximately half of that distance is within the designated nonattainment area; the remainder of the distance within Nevada is not designated. Within California, the entire remaining distance is designated nonattainment for particulate matter. The western part of the route, closer to Los Angeles is classified as a serious nonattainment area. Thus, only about 15 miles of the approximately 275 mile long project is outside of designated areas. And, the emission benefits related to moving people by train rather than by automobile can only be obtained by a continuous project, including the area not designated.

Policy Decision

The FHWA and the FTA believe that the current policy can serve the needs of those high speed rail projects that are eligible within the statutory authority of 23 U.S.C. 149. Under the current policy, rail projects can be funded if they (1) are located within, or in close proximity to, nonattainment or maintenance areas, (2) can demonstrate the projects' emission reductions are realized primarily within the designated areas, and (3) meet other criteria for CMAQ funding. There is no compelling need to modify the policy at this time. The determination that proposals for CMAQ funding meet these criteria should be made in close collaboration with State and local officials at transportation and air quality agencies, including the MPO, and the EPA, but the final determination of CMAQ eligibility rests with the FHWA and the FTA, as always.

Authority: 23 U.S.C. 149, 315; 49 CFR 1.48 and 1.51.

Issued on: January 9, 2002.

Mary E. Peters,
Administrator, Federal Highway
Administration.

Jennifer L. Dorn,
Federal Transit Administrator.

[FR Doc. 02-1164 Filed 1-15-02; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34149]

Stillwater Central Railroad, Inc.— Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

Stillwater Central Railroad, Inc. (SCRR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from The Burlington Northern and Santa Fe Railway Company and operate approximately 119.73 miles of rail line between milepost 549, at Wheatland, OK, and milepost 668.73, at Long, OK.

The transaction was scheduled to be consummated on or shortly after December 28, 2001.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34149, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., BALL JANIK LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: January 4, 2002.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-766 Filed 1-15-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34121]

Craggy Mountain Line, Inc.— Acquisition and Operation Exemption—Norfolk Southern Railway Co.

Craggy Mountain Line, Inc. (CMLX), a noncarrier, has filed a verified notice of exemption under 49 CFR part 1150.31 to acquire and operate approximately 3.45 miles of rail line currently owned by Norfolk Southern Railway Company (NS). The line, known as the Asheville

to Craggy Branch, is a portion of the former Southern Railroad located in Woodfin Township, Buncombe County, NC, and extends between the beginning Survey Station ACM, 17+63=0100 in Woodfin Township and the ending Survey Station 123+00 "Asheville to Southern" 17+97 in Woodfin Township. CMLX certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier, and further certifies that its projected annual revenues will not exceed \$5 million.

The transaction was scheduled to be consummated on or after December 31, 2001.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34121, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on David R. Payne, P.A., 218 East Chestnut St., Asheville, NC 28801.

Boards decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: January 9, 2002.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-968 Filed 1-15-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Agency Information Collection; Activity Under OMB Review; Report of Financial and Operating Statistics for Small Aircraft Operators

AGENCY: Bureau of Transportation
Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104-13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting financial, traffic and operating statistics from small

NATIONAL RAILROAD PASSENGER CORPORATION

60 Massachusetts Avenue, NE, Washington, DC 20002
tel 202 906.2486 fax 202 906.2085



Stephen J. Gardner
Vice President, Policy and Development

January 22, 2010

The Honorable Victor Mendez
Administrator
Federal Highway Administration
1200 New Jersey Ave., SE
Washington, DC 20590

Dear Administrator Mendez:

Thank you for making FHWA staff available on December 14, 2009 to meet with Amtrak representatives regarding the Congestion Mitigation and Air Quality Improvement Program (CMAQ). I write to request clarification on the use of CMAQ funds for intercity rail passenger transportation.

The eligibility of intercity passenger rail for CMAQ funds is not explicit in either the statute or FHWA guidance governing the program. However, I am informed that, subject to applicable requirements related to emissions reductions and location in a nonattainment area, intercity passenger rail projects and services can qualify as a transportation control measure (TCM) under section 108 of the Clean Air Act.

As CMAQ funds may be used on such TCMs, it is my understanding that the capital and operating costs (for up to three years) of providing intercity passenger rail service are eligible program expenditures.

Your confirmation of this understanding, or clarification of any issues relevant to this topic, would be greatly appreciated.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen J. Gardner", written in a cursive, flowing style.

Stephen J. Gardner
Vice President, Policy and Development



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

March 19, 2007

CIRCULAR LETTER 2007-03

LOCAL AGENCY FEDERAL FLEXIBLE MATCH PROGRAM

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS
METROPOLITAN PLANNING ORGANIZATIONS - DIRECTORS
MUNICIPAL ENGINEERS/PUBLIC WORKS DIRECTORS
CONSULTING ENGINEERS

OVERVIEW

Provisions introduced in TEA-21 and expanded by SAFETEA-LU allow new flexibility to the Federal-Aid Highway Program's matching requirements by allowing certain public donations of cash, materials, and services to satisfy the local matching requirements. Title 23 USC - "Highways", Chapter 3 - "General Provisions"; Section 323 - "Donations and Credits" outlines the legal basis for the FHWA Innovative Finance Management tool known as flexible match or soft match. Flexible match allows a wide variety of public and private contributions to be counted toward the non-Federal match (local match). In the current climate of limited local agency cash-flows, coupled with the passage of a new federal highway transportation bill, the Bureau of Local Roads and Streets (BLRS) is implementing a Local Agency Federal Flexible Match Program (FFM).

The following benefits may be realized through the Federal Flexible Match Program:

- Acceleration of projects that receive donated resources
- Allowing local agencies to reallocate funds that otherwise would have been used to meet Federal matching requirements
- Promoting public-private partnerships by providing incentives to seek private donations

The Illinois Department of Transportation (IDOT) intends to allow funds, land or right-of-way and engineering contributions by local agencies during the initial year of implementation of this program due to the readily documented costs associated with these items. IDOT also intends to limit FFM application to use during construction and construction engineering only. As the program proceeds, it may be expanded to include other eligible items and phases.

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ELIGIBLE ITEMS FOR FLEXIBLE MATCH

Flexible match, up to 20 percent of the required local share match, may be used for federal highway programs with the **exception** of the Emergency Relief Program. High Priority Projects under previous highway bills and Transportation Enhancements are also eligible to participate in this program. Flexible match can be applied toward all or any portion of the required matching share. This flexible match will only affect individual approved projects; no carryover or credit of soft match funds for other projects will be allowed.

The following table outlines the eligibility of flexible match donations or credits and their associated donors:

Type of Donation/Credit	Source of Donation/Credit	
	<i>Private</i>	<i>Local Government</i>
Funds (see note 1)	Yes	Yes
Land or ROW (see note 2)	Yes	Yes
Materials (see note 3)	Yes	Yes
Services (see note 4)	Yes	Yes

Notes:

1. Funds must be received prior to project authorization by FHWA.
2. Land may be donated by a non-governmental owner in accordance with 23 CFR 710.505 or contributed by a local government in accordance with 23 CFR 710.507. For any donated property that was originally acquired with federal funds, only the non-federal share of the property may be counted as the donation.
3. Federal "Buy America" requirements apply.
4. Local government services are limited to only those services performed by local government employees in accordance with Title 23 Section 323, except in the case of the Transportation Enhancement Program which allows any services in accordance with Title 23 Section 133.

Donations or credits must be earned or given in a previous phase of a project and clearly documented in order to be utilized as flexible match. Anticipation of flexible match will not be allowed. For example: preliminary engineering (PE) or land acquisition may be applied to construction, but construction items cannot be applied to PE or land acquisition. Material contributed to a project may not be applied as credit during construction which utilizes that material; however, after the material is accepted, in-place and its value clearly documented, application to use the material donation as a credit in a later stage of the project which has not yet received federal authorization may be permissible.

The donations or credits can consist of funds, land, materials, equipment rental, and/or services that are directly associated with the specific project. Only that portion germane to the project will be eligible for FFM credit. These flexible match donations must not have been used as match for any other federally-funded project. Also, the dollar amount of the in-kind donations must be included

in the total project cost; these in-kind donations cannot both reduce the project cost and be used as flexible match. See the attached example (Attachment 1b) "Local Agency Federal Flexible Match (FFM)."

REQUIRED DOCUMENTATION

A local agency should notify IDOT as early in the project as possible of its intent to utilize FFM. See Attachment 1, "Request and Intent Letter" for a recommended format. A proposed project description and funding schedule should also accompany this letter (Attachment 1b). IDOT will in turn request FHWA concurrence with the local agency intent.

It is the responsibility of the local agency to maintain adequate records and documentation to verify the flexible match on any given project. The fair market value of the non-monetary donations to be used on a project must be determined and documented by the local agency in order to be considered for flexible match. Land and materials must be appraised to determine fair market value by an IDOT-approved appraiser. Contributions of land can be by fee title or any lesser property interest, i.e., dedicated right-of-way. The services must be based on the local prevailing wage rate or actual local agency expenditures with supporting invoices or time cards. All documentation supporting the claimed flexible match amount must be submitted and approved by FHWA prior to authorization for utilizing the flexible match.

Preliminary engineering performed by consultants is only eligible to be used as FFM for Transportation Enhancement projects. Local agencies will utilize selection procedures as outlined in Section 5-6.02 of the Bureau of Local Roads and Streets Manual for preliminary engineering performed by consultant services subject to IDOT approval. Flexible match amounts earned will be limited to approved federal compensation methods for engineering services. Preliminary engineering provided by local agency employees may be used as FFM for all federal programs except Emergency Relief and will be approved based upon actual expenditure documentation.

Upon completion, either a local city official, county engineer, or consultant that has been contracted by the local authority to act as the same, will certify the flexible match items have been completed in accordance with all applicable guidelines. See example (Attachment 2), "Certification and Notification of Flexible Match Eligible Cost.". This certification should be submitted with all documentation required to justify the requested Federal Flexible Match amount.

To allow sufficient time for review and approval, local agencies should submit all final FFM documentation in a single submission to the District prior to the date of federal authorization. This should be done far enough in advance to allow sufficient time for review by IDOT and approval by FHWA. No changes to the FFM amount will be allowed after final award of the contract.

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March 19, 2007

APPLICATION

Flexible match may only be applied to projects utilizing funds after January 1, 2007. Donations or expenditures which were received or made after July 1, 2004 and which are eligible items may be requested for use as flexible match. If they are documented and approved by FHWA in accordance with these guidelines, they may be utilized for projects federally authorized after January 1, 2007.

IMPLEMENTATION PROCEDURES

Prior to proceeding with a project that utilizes FFM, FHWA approval is required. The initial funding schedule submitted through the district with the "Request and Intent Letter" (as well as the cost estimate submitted at the same time as the joint agreement) should show the type, source and amount of FFM and the particular phases in which it is anticipated to be donated and applied. Metropolitan Planning Organization guidelines should be followed for use of FFM on Surface Transportation Program and Congestion Mitigation and Air Quality Program funds within their respective areas. This FFM cost estimate is to be submitted by the local agency to the IDOT districts.

Any questions regarding this letter may be directed to your IDOT District Local Roads Engineer.

Sincerely,

A handwritten signature in black ink, reading "Charles J. Ingersoll". The signature is written in a cursive, flowing style.

Charles J. Ingersoll, P. E.
Engineer of Local Roads and Streets

cc: Norm Stoner
Eric Harm
Dick Smith

March 19, 2007

ATTACHMENT 1

REQUEST AND INTENT LETTER

_____, Regional Engineer
Attention: District Bureau of Local Roads and Streets
_____, District Office Address

Date

Subject: Federal Flexible Match Request

_____ Local Agency requests that Section ____-____-____-____
located _____ be considered as an eligible
Federal Flexible Match Program project.

I certify that the local agency intends to utilize donations or credits toward this project as outlined in the Illinois Department of Transportation Federal Flexible Match Program. A proposed project description and funding schedule is attached.

Sincerely,

_____, Local Agency Highway Official

March 19, 2007

ATTACHMENT 2

CERTIFICATION AND NOTIFICATION OF FLEXIBLE MATCH ELIGIBLE COST

_____, Regional Engineer
Attention: District Bureau of Local Roads and Streets
_____, District Office Address

Date

Subject: Federal Flexible Match Eligible Cost

_____ Local Agency certifies that Section ____-____-____
located _____ has proceeded in
accordance with all applicable guidelines of the Federal Flexible Match Program.

I also certify that \$_____ is the final eligible Federal Flexible Match cost
which has been donated or credited to the project, and request that 80% of this
amount be applied as part of the local matching share for federal funds in the
project.

Detailed documentation of the eligible items and evidence of donation, fair market
value or payment are attached.

Sincerely,

_____, Local Agency Highway Official

ATTACHMENT 1b

LOCAL AGENCY FEDERAL FLEXIBLE MATCH (FFM)

	Project Phase	Total	Federal Funds Used	% Federal Funds	Local Funds or Contribution	% Local	FFM Earned (80% of Local Contribution)	FFM Applied (additional to 80% fed)
Step 1: FFM Earned	Land Acquisition	\$20,000	\$0	0%	\$20,000	100%	\$16,000	
Step 2: FFM Applied	Construction	\$100,000	80,000+16,000= \$96,000 (80% fed + FFM = total)	96%	\$4,000	4%		\$16,000
	Summary	\$120,000	\$96,000	80%	\$24,000	20%		



Chicago Metropolitan Agency for Planning

233 South Wacker Drive
Suite 800
Chicago, IL 60606

312-454-0400 (voice)
312-454-0411 (fax)
www.cmap.illinois.gov

MEMORANDUM

To: CMAQ Project Selection Committee

From: CMAP Staff

Date: May 6, 2010

Re: Alternative Programming Approaches

After discussions with the CMAQ Project Selection Committee regarding alternative programming approaches for CMAQ, CMAP staff would like to highlight some common themes. A change in programming procedures is being considered in order to reduce unobligated balances and focus the program on implementing *GO TO 2040*, once approved. Additionally, institutionalizing the biennial call for projects is recommended.

One option is to continue current programming practice:

- Air quality analysis as the primary evaluation criterion
- Rank project types against each other
- Additional criteria are considered, but not quantified

Possible quantification of these measures is offered for consideration during program development. Aggregating these measures and current cost/benefit rankings into a composite ranking is not suggested at this time.

- Project readiness
- Coordination with *GO TO 2040*
- Previous project sponsors' accomplishment rate

Other potential improvements include:

- Use a portion of CMAQ funding for a livable communities initiative. This is discussed in the transportation finance recommendations presented to the Transportation Committee on April 23rd, and the land use and housing recommendations presented to those committees in April.
- Using a certain portion of CMAQ funds to implement plan initiatives or focus areas, leave the remaining to program using current methodology
- Set maximum funding levels for project types. This will address concerns about the level of funding devoted to particular types. The maxima would total over 100%, to allow funding levels to fluctuate from year to year in response to the application mix.